

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALAN TAVERAS,

Plaintiff,

-against-

**DECLARATION OF  
KERRI A. DEVINE**

20-cv-1200 (KPF)

NEW YORK CITY, New York, and  
KEECHANT SEWELL, in her official capacity  
as NYPD Police Commissioner, and all  
successors,

Defendant.  
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**KERRI A. DEVINE**, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am an Assistant Corporation Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for defendants herein. As such, I am familiar with the facts stated below and submit this declaration to set forth the relevant facts and procedural history and in support of defendants' motion to dismiss the Second Amended Complaint ("SAC").

**RELEVANT FACTS**

2. Plaintiff, a City resident, submitted an application for a rifle/shotgun permit ("Application") to the License Division of the New York City Police Department ("License Division") in December 2017. See SAC at ¶¶ 13-4.

3. In November 2018, the License Division denied plaintiff's Application after an administrative appeal. The denial was pursuant to New York City Administrative Code §§ 10-

303(a)(2) and (9) and § 3-03(f) and (g) of Title 38 of the Rules of the City of New York based on plaintiff's domestic violence and arrest history. See Notice of Disapproval After Appeal, attached hereto as Exhibit A; see also SAC at ¶¶ 25-26.

4. On October 25, 2022, the License Division issued a rifle/shotgun permit to plaintiff.

### **PROCEDURAL HISTORY**

5. Plaintiff commenced the instant action by filing a Complaint on February 11, 2020. Dkt. No. 1.

6. On April 6, 2020, plaintiff filed a First Amended Complaint. Dkt. No. 13.

7. On July 22, 2020, defendants move to dismiss the First Amended Complaint. Dkt. Nos. 20, 21.

8. By Opinion and Order dated January 19, 2021, the Court granted defendants' motion to dismiss the First Amended Complaint ("Decision"). Dkt. No. 24. Thereafter, on February 17, 2021, plaintiff appealed this Court's decision dismissing the First Amended Complaint. Dkt. No. 26.

9. On July 12, 2022, the Second Circuit vacated this Court's Decision and remanded the matter for further proceedings. Dkt. No. 27.

10. This Court then issued an order directing the parties to submit a joint letter proposing how to proceed in the matter. Thereafter, this Court endorsed the parties proposal in which plaintiff would file a Second Amended Complaint ("SAC"). Dkt. No. 33.

11. On September 25, 2022, plaintiff filed the SAC. Dkt. No. 34.

Dated: New York, New York  
November 15, 2022

Kerri A. Devine /s/  
Kerri A. Devine  
Assistant Corporation Counsel